REMARKS

By the paper mailed November 25, 2005, the Examiner acknowledged applicant's election of Figures 1 - 26 in the response filed on October 24, 2005. By this amendment, the non-elected claims 5 - 6, 19 - 20 and 24 have been cancelled.

Claims 1- 4, 18 and 21 - 23 were rejected under 35 U.S.C. §102(b) as being anticipated by Kriesel, U.S. Patent No. 6,416,495. These claims have been amended and, for reasons presently to be discussed, as amended, are believed clearly distinguishable from and not anticipated by the Kriesel '495 patent.

Claims 1, 2, 7, 18 and 21 - 23 were rejected under 35 U.S.C. §102(b) as being anticipated by Rey, *et al*, U.S. Patent No. 4,056,095. This group of claims has been amended and for reasons presently to be discussed, the rejected claims are believed clearly distinguishable from and not anticipated by Rey.

Applicant notes with appreciation the Examiner's indication of allowable subject matter in Claims 8, 10 - 17 and 25 - 28. By this amendment, claim 8 has been rewritten in independent form as new claim 29. Similarly claim 10 has been rewritten in independent form as new claim 30. Claim 11 has been rewritten in independent form as new claim 31.

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Claim 12 has been amended to depend on new claims 31 and claims 13 - 17 depend directly or indirectly on amended claim 12 and partake of its allowability.

Turning to the claim amendments, claims 1, 7 and 18 have been amended to more specifically define the novel constant force extension spring of the invention as comprising a coiled roll of pre-stressed material that exerts a substantially constant restraining force to resist uncoiling of the spring and similarly tends to uniformly retract toward a coiled roll and in so doing will exert a substantially constant force, which, in the apparatus of the invention, causes fluid to flow from the fluid reservoir of the apparatus. This novel constant force spring as now more distinctly described is nowhere disclosed or suggested by the references of record.

Turning to the references of record, the Kriesel, *et al*, patent No. 6,416,495 cited by the Examiner concerns an implantable fluid delivery apparatus for infusing medicinal fluids into a patient. The implantable apparatus includes a basal delivery system that includes a heat responsive polymer gel material, which, upon being heated by a heater foil, uniquely functions as the internal energy source for expelling basal doses of medicinal fluid from the device. The apparatus also includes a bolus delivery system that includes a magnetically responsive polymer gel, which, upon being stimulated by an electromagnet, will deliver precise bolus doses of medicinal fluid to the patient. The Examiner apparently relies on Figure

12 as showing a constant force extension spring. However, referring to column 9 of the Kriesel patent, starting at line 9, the spring apparently referred to by the Examiner is defined as "biasing means shown here as a coil spring 92". Clearly, the referred to coil spring 92 is totally dissimilar from the constant force spring of applicant's apparatus as now specifically defined in the amended claims. More particularly, as discussed on pages 25 and 26 of applicant's Specification as filed, this important constant force extension spring 67 is defined as "basically a high stress, long deflection device that offers great advantages when used in applications such as the present application where very low, or zero, gradient is desired, where space is a factor, and where very high reliability, accuracy, and forced tolerances are required. Constant force spring such as spring 67 provides markedly superior constant force loading when compared to conventional helical extension or like conventional type springs." Continuing, Applicant's specification states: "the constant force spring is defined as a roll of pre-stressed strip metal that exerts a nearly constant restraining force to resist uncoiling. The force is constant because the change in the radius of the curvature is constant."

It is abundantly clear that the Kriesel, *et al*, reference, while disclosing a conventional coil-type spring, fails to disclose, or remotely suggest, the constant

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force spring of applicant's apparatus as now more succinctly claimed in the amended claims.

The patent to Rey, *et al*, concerns a control device used in implantable subcutaneous surgery. The Examiner apparently relies on element 32 of the Rey, *et al*, device, which is clearly a coil-type spring, rather than a constant force spring of the character now defined in the amended claims.

In light of the foregoing, it is respectfully suggested that applicant's claims as now amended are clearly distinguishable from and not anticipated by the references of record.

The Amended claims as well as the new claims, which represent the objected to claims rewritten in independent form, are in condition for allowance and such favorable action is respectfully requested.

Respectfully submitted,

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Enclosures

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in the envelope addressed to Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia ~~22313-1450~~ on 3/24/04

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